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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Implementation of Section 309(j))	MM Docket No. 97-234
of the Communications Act)	
-- Competitive Bidding for Commercial)	
Broadcast and Instructional Television)	
Fixed Service Licensees)	
)	
Reexamination of the Policy)	GC Docket No. 92-52
Statement on Comparative)	
Broadcast Hearings)	
)	
Proposals to Reform the Commission's)	GEN Docket No. 90-264
Comparative Hearing Process to)	
Expedite the Resolution of Cases)	

To: The Commission

REPLY COMMENTS
NONCOMMERCIAL EDUCATIONAL BROADCAST LICENSEES

Arizona Board of Regents for Benefit of University of Arizona ("Arizona"), Board of Regents of the University of Wisconsin System ("UWS"), Boise State University ("BSU"), Central Michigan University ("CMU"), Iowa Public Broadcasting Board ("IPPB"), Kent State University ("KSU"), The Ohio State University ("OSU"), Ohio University ("OU"), St. Louis Regional Educational and Public Television Commission ("KETC"), State of Wisconsin - Educational Communications Board ("WECB"), and WAMC (collectively, the "NCE Broadcasters"), by their counsel, submit these reply comments to the Commission's *Notice of*

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Proposed Rulemaking in MM Docket No. 97-234, GC Docket No. 92-52 and GEN Docket No. 90-264, FCC 97-397 ("*NPRM*").

The NCE Broadcasters filed initial comments demonstrating that Congress did not intend for applicants proposing noncommercial educational broadcast stations to be subject to competitive bidding. The comments of the NCE Broadcasters also demonstrated the adverse public policy results if competitive bidding procedures were applied to noncommercial educational broadcast applicants for unreserved broadcast spectrum. In lieu of competitive bidding, the Commission should level the playing field between noncommercial educational and commercial broadcasters by using an alternative mechanism to decide among competing applicants when one of the applicants proposes a noncommercial educational broadcast station. These reply comments are limited to that issue.

The NCE Broadcasters fully support the comments filed by other public broadcasters in this proceeding and urge the Commission to heed the united voice of public broadcasting on the issue of competitive bidding for broadcast spectrum and its adverse impact on public broadcasting. The NCE Broadcasters fully agree with and firmly support Section IV of the Joint Reply Comments filed today by National Public Radio, Inc., National Federation of Community Broadcasters, The Corporation for Public Broadcasting and the Association of America's Public Television Stations ("Joint Reply of NPR, NFCB, CPB and APTS"). As set out in Section IV of the Joint Reply of NPR, NFCB, CPB and APTS, the Commission should implement processes that avoid mutual exclusivity. If mutual exclusivity cannot be avoided, the Commission should use an alternative mechanism, such as placing applications for new full-service and TV translator stations on a separate track if one of the applicants is a public broadcaster, or, alternatively,

prioritize applications based on objective criteria, as set forth in the Joint Reply of NPR, NFCB, CPB and APTS. The Commission should consider a selection process that preserves the public interest in diversity of viewpoints and universal public broadcast service.

CONCLUSION

For the reasons stated above, the Commission should use an alternative selection process (not competitive bidding), to decide among applications proposing to use a channel for a noncommercial educational broadcast station, even if the channel is not specifically reserved for noncommercial educational broadcast use.

Respectfully submitted,

ARIZONA BOARD OF REGENTS FOR
BENEFIT OF THE UNIVERSITY
OF ARIZONA

BOARD OF REGENTS OF THE
UNIVERSITY OF WISCONSIN
SYSTEM

BOISE STATE UNIVERSITY

CENTRAL MICHIGAN UNIVERSITY

IOWA PUBLIC BROADCASTING BOARD

KENT STATE UNIVERSITY

THE OHIO STATE UNIVERSITY

OHIO UNIVERSITY

ST. LOUIS REGIONAL EDUCATIONAL AND
PUBLIC TELEVISION COMMISSION

STATE OF WISCONSIN - EDUCATIONAL
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WAMC

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